

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

JUSTIN KERKER,

Plaintiff,

-against-

BMDC CONSTRUCTION, LTD., BMDC  
CONSTRUCTION I, LLC, and BEN  
MULLEN,

Defendants.

**ORDER**

21 Civ. 9277 (PGG) (BCM)

PAUL G. GARDEPHE, U.S.D.J.:

WHEREAS Plaintiff commenced this action on November 9, 2021 by filing the Complaint (Dkt. No. 1);

WHEREAS Plaintiff served Defendants BMDC Construction Limited and BMDC Construction I, LLC (collectively, “BMDC”) on January 14, 2022 (Dkt. Nos. 12-13), and Defendant Ben Mullen on January 31, 2022 (Dkt. No. 14);

WHEREAS no Defendant has filed an answer, responded to the Complaint, or appeared in this action;

WHEREAS Magistrate Judge Moses – to whom this case was referred for general pretrial supervision – authorized Plaintiff to move for a default judgment against Defendants (Dkt. No. 15);

WHEREAS Plaintiff moved for a default judgment, attorneys’ fees, and costs on August 12, 2022 (Dkt. No. 29);

WHEREAS this Court ordered Defendants to show cause on October 20, 2022 why a default judgment should not be entered against them (Dkt. Nos. 30, 32);

WHEREAS Plaintiff served the Order to Show Cause on Defendant Mullen on October 5, 2022, and BMDC on October 13, 2022 (Dkt. Nos. 31-1, 33-1);

WHEREAS Defendants filed no opposition to Plaintiff's motion for a default judgment and did not appear at the October 20, 2022 hearing;

IT IS HEREBY ORDERED that an order of default is entered against all Defendants.

IT IS FURTHER ORDERED that this matter is referred to Magistrate Judge Moses for a report and recommendation regarding Plaintiff's request for damages, attorneys' fees, and costs. The Clerk of Court is directed not to close this case.

Dated: New York, New York  
October 20, 2022

SO ORDERED.

  
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Paul G. Gardephe  
United States District Judge